IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

OP.No. 15553 of 1999(B)

PETITIONER:

N.X.PHILOMENA,
KAYYALAKAM HOUSE, PADIVATTOM,
KODUVATHARA ROAD, EDAPPALLY P.O.,
ERNAKULAM DISTRICT, COCHIN- 682 024.

BY ADV. SRI.B.K.PURUSHOTHAMAN

RESPONDENTS:
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1. **STATE OF KERALA,**
   REP.BY THE SECRETARY TO GOVT.
   TAXES DEPARTMENT, SECRETARIAT,
   THIRUVANANTHAPURAM,

2. **THE INSEPCTOR GENERAL OF REGISTRATION,**
   KERALA, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT.K.R.DEEPA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP. NO.15553/1999

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE CIRCULAR NO.31/85/FIN DT. 10.4.85 ISSUED BY R1.

EXT.P2:- COPY OF THE ORDER NO.E2-34970/94 DT. 11.2.97. ISSUED BY R2.

EXT.P3:- COPY OF THE LIABILITY CERTIFICATE ISSUED BY THE DISTRICT REGISTRAR, (GENERAL) ERNAKULAM DT. 20.3.96.

EXT.P4:- COPY OF THE LIABILITY CERTIFICATE NO.E2-34970/94 DT. 17.6.97. ISSUED BY R2.

EXT.P5:- COPY OF THE LETTER NO.E2-34970/94 DT. 1.7.6.97 ISSUED BY R2 TO THE ADDL. SUB TREASURY OFFICER, ERNAKULAM.

EXT.P6;- COPY OF THE GOVT.LETTER NO.3745/23/95/TD DT. 18.8.95 ISSUED BY R1.

EXT.P7:- COPY OF THE JUDGMENT IN OP. NO.14690/92 DT. 29.9.98 OF THIS HONOURABLE COURT.

EXT.P8:- COPY OF THE LETTER NO.E3-34470/87 DT. 11.9.97 ISSUED BY R2.

/TRUE COPY/

P.A. TO JUDGE

tss

KURIAN JOSEPH, J.

O.P. NO. 15553 OF 1999

Dated this the 16th day of November, 2007.

J U D G M E N T

Petitioner is aggrieved since she is not yet disbursed the withheld amount of Rs. 10,283/- from her DCRG. The petitioner retired from service on 29.02.1996. In the statement dated 26.12.2005 filed on 02.01.2006 it is stated that the said amount can be deleted from the liability of the petitioner. It is submitted that the said amount has not yet been disbursed to the petitioner.

2. Therefore, this original petition is disposed of directing the respondents 1 and 2 to disburse the withheld amount of Rs. 10,283/- to the petitioner with interest at the rate of 9% from 01.01.2006, within a period of two months from the date of production of a copy of this judgment.

KURIAN JOSEPH, JUDGE.

smp

KURIAN JOSEPH, J.

O.P. NO. 15553 OF 1999

J U D G M E N T

16.11.2007